

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MILISSA JONES

Plaintiff,

V.

2:07 CV273-WKW

FLYING J, INC.

Defendant.

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Pursuant to the Pretrial Order entered in this action, Plaintiff requests that the Court propound the following *voir dire* questions to the jury *venire*:

1. Please state your marital status along with your spouse's name.
2. Please state how many children you have including their sex and age.
3. Please state your present employment, your duties and how long you have been employed.
4. Have you or any member of your family, including your spouse or children ever been involved as an officer or supervisor in management of a corporation, partnership, business or other association? If so, please state the

position.

5. Have you or any member of your family, including your spouse or children ever been involved as an officer or supervisor in management of a government agency?

a. If so, please state the position.

6. Have you or any member of your family, including your spouse or children ever been worked for Flying J?

a. If so, please state the position, your location and your supervisors.

7. This is a retaliation and defamation lawsuit brought by Milissa JonesSutter against Flying J. Do you know, or are you acquainted with any of the following witnesses who may testify in this case - See Witness Lists of both parties.

a. If so, explain the nature and extent of your relationship or knowledge of any of these persons.

8. Do any of you know or are you acquainted with the Plaintiff in this lawsuit, Milissa Jones.

a. If so, explain the nature and extent of your relationship or knowledge of Ms. Jones.

9. Is anyone troubled with or who takes objection to the law that prohibits employers from retaliating against employees?

10. Do you know, are you acquainted with Defendant's counsel, Rob Worley

or Olivia Regard of the Law firm of Jones Day in New Orleans, Louisiana? Or with Carole Miller of the law firm of Maynard Cooper and Gale of Birmingham, Alabama?

a. If so, please explain the nature of your relationship or acquaintance with the attorney.

11. Is there anyone who does not believe that retaliation exists in general?

12. Have you or any person in your family ever been the victims of some form of retaliation?

a. If so, explain the circumstances.

13. Have you or any person in your family ever been accused of retaliating against someone?

a. If so, explain the circumstances.

14. This is a civil suit as opposed to a criminal proceeding. The rules of evidence are different and the burdens of proof are different. In a criminal case, the burden of proof is beyond any and all reasonable doubt.

In a civil case, the plaintiff has the burden of proving the elements of her claim by what is called the preponderance of the evidence, that is the facts sought to be proven are more likely true than not true. This standard of proof is a substantially lower burden of proof than that applied to a criminal case.

Is there anyone present who would hold the plaintiff to a higher burden of proof than preponderance of the evidence?

15. Do you believe you have ever been discriminated or retaliated against by an employee or officer of any company for which you have worked? If so, what did you do about the conduct? Also, who were you working for at the time and when did this occur?

16. Have you ever complained to a fellow employee, supervisor or personnel manager that you believe that a co-employee or supervisor, discriminated, harassed or retaliated against you?

If so, please answer the following questions:

- a. Who were you working for at the time?
- b. What were the comments made?
- c. When did they occur?
- d. What action was taken in response to your complaint?
- e. Did you feel the response to be appropriate, if not, why?

17. Do you personally know anyone who has made a filed a lawsuit or complained to his or her supervisor, or the company's personnel manager, that they have been subjected to discrimination or retaliation? If so, please answer the following questions:

- a. Who were you working for at the time?
- b. What were the comments made?
- c. What did the conduct involve?

- e. Did you witness any of this behavior?
- f. What action was taken in response to your complaint?
- g. Did you feel the response to be appropriate, if not, why?

18. Have you ever been interviewed as part of an investigation or inquiry into claims of discrimination or retaliation? If so, please tell us when that occurred, for whom were you working, and your understanding of the nature of the claims and the position held at that time.

19. Have you ever given a deposition in a case in which there were claims of discrimination or retaliation? If so, please state the name of the individual who filed the suit, the name of the company, how the suit turned out and the names of the lawyers (if you know) who were involved.

20. Have you or any member of your family ever served on a jury in which there were claims made of discrimination or retaliation? If so, please state when this occurred, the name of the court, the parties involved and the lawyers who represented each side, the nature of the claims and the outcome of the suit.

21. Have you ever sued anyone in a lawsuit? If so, please explain when that occurred, the lawyers who represented you, the nature of the case and the outcome of that case.

22. Have you ever been sued in a lawsuit? If so, please explain when that occurred, the lawyers who represented you, the nature of the case and the outcome of

that case.

23. Have you ever been called as a witness in a lawsuit? If so, please explain when that occurred, the nature of the case and the outcome of that case.

24. Have you ever served on a previous jury? If so, please explain when that occurred, the nature of the case and the outcome of the case.

25. Does anyone know another person who is being considered a prospective juror in this case?

26. Does anyone possess any specialized knowledge of employment law or civil rights statutes, such as working in human resources of a company or taken classes or seminars on employment law?

27. If the evidence in this suit indicates that the defendant is guilty of retaliation, do you know of any reason which would prevent you from rendering a judgment in favor of the plaintiff's and against the defendant on these claims?

28. Have you ever attended a seminar on employment discrimination? If so, please state the name of the company which employed you when you attended the seminar and when that occurred.

29. Have any of you received special training in field of law, i.e., attorney, paralegal, legal secretary or employment with a law firm? If so, please state the area of special training, when and where you received your training and your place of employment.

30. Have you ever been provided materials on employment discrimination by an employer? If so, what kind of materials were provided.

31. Do you personally know of anyone who has been terminated due to retaliation? If so, what were the allegations made, the name of the employer, and when did this occur?

32. Has anyone ever asked you to “build a file” on someone in an effort to document or justify their decision to terminate their employment?

1. If so, explain the details surrounding this event, including the name or your employer and when it occurred.

33. Has anyone ever been terminated from a job in which the employer made up a reason for your termination which you knew was false?

34. Have you ever filed a claim of discrimination or retaliation with the Equal Employment Opportunity Commission or filed a grievance with your employer for retaliation? Please describe the outcome of any such incident.

35. Have you or has any member of your family ever filed a grievance against their employer?

36. Does any member of this jury panel have any bumper or other stickers on their vehicle? If so, what does the sticker state?

37. Does any member of this jury panel listen to talk radio, and if so, which program(s) do they listen to?

38. Have you or has any member of your family ever been in the military? If so, how long was your service? What rank did you attain? What date were you discharged or retired?

39. Does any member of this jury panel currently work or has worked in the past in a position in which you reviewed claims for an insurance company or another employer.

40. Has anyone been involved in firing persons within the course of their employment?

41. Does anyone think it is wrong or have a problem with a person seeking the services of a lawyer to assist them in dealing with what they might feel is discrimination at work?

Respectfully submitted,

/s/ Adam P. Morel

Adam P. Morel
Attorney for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Adam P. Morel

OF COUNSEL